

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

In re:	)		
	)		
WAREHOUSE 86, LLC	)	CASE NO.	08-03423-EE
	)	Chapter 11	
Debtor	)		
	)		

**ORDER REJECTING LEASE AGREEMENT,  
LIFTING THE AUTOMATIC STAY AND ABANDONING PROPERTY  
(TO THE EXTENT PROPERTY IS PROPERTY OF THE ESTATE)  
[Dkt. ## 130, 133]**

This day, this case came on for hearing on the *Motion of Fifth Third Bank to Compel Acceptance or Rejection of a Lease Agreement and to Lift Automatic Stay* (Dkt. # 130 (the “Motion”) and the *Response* (Dkt. # 133) of Warehouse 86, LLC , the Debtor and debtor-in-possession herein (the “Debtor”), and it appears that the interested parties have resolved this motion and the response and have consented to the entry of this Order.

**IT IS, THEREFORE, ORDERED** that the lease agreement (the “Lease”) executed by the debtor, covering one (1) 2005 Cadillac XLR (VIN: 1G6YV34A255600539) (the “Vehicle”), to the extent that the lease agreement is property of the estate, be and is hereby rejected.

**IT IS FURTHER ORDERED** that the automatic stay imposed by 11 U.S.C. §362, to the extent that the lease agreement is property of the estate, be, and is hereby, lifted as to Fifth Third Bank and as to the Vehicle, and the Vehicle, to the extent that it is property of the estate, is abandoned from this bankruptcy estate.

**IT IS FURTHER ORDERED** that the automatic stay relief granted in this order is effective immediately, and this order is excepted from the stay provisions of Bankruptcy Rule 4001(a)(3).

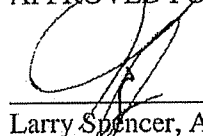

**IT IS FURTHER ORDERED** that because this Vehicle was surrendered to the Bank's agent, prior to the expiration of the Lease and prior to the date the Vehicle was required to be surrendered, and prior to the filing of the Bankruptcy Case and because all charges related to the Lease have been paid prior to the Petition Date, Fifth Third Bank shall withdraw its the proof of claim filed herein in the amount of \$36,931.50 (Claim # 10), or in the alternative, that such proof of claim is hereby disallowed.

**SO ORDERED**



Edward Ellington  
United States Bankruptcy Judge  
Dated: June 25, 2009

APPROVED FOR ENTRY:

  
Larry Spencer, Attorney for Fifth Third Bank  
Stephen W. Rosenblatt, Attorney for Debtor

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